1952

File No. Medical Practi. II 52 (N)

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Legal Department
B BRANCH

Subject:— Notifications under the Bombay Medical Practitioners Act, 1938.

P. 4

File No. Medical Practi. II /52 (N)

Gen. 191 e.

436-B

Legal Department.

The definition of "medical practice" referred to in para 2 of the Drugs Controller's letter dated 21st May 1951 at page 267 ante is given at page 3069 of Volume IV of the Consolidated Laws of the State of New York, 1909 and is as follows, namely:-

"A person practices medicine within the meaning of this article, except as hereinafter stated, who holds himself out as being able to diagnose, treat, operate or prescribe for any human disease, pain, injury, deformity or physical condition, and who shall either offer or undertake, by any means or method, to diagnose, treat, operate or prescribe for any human disease, pain, injury, deformity or physical condition".

Section 173 of the same Article 8 at page 3077 of the Code lays down, inter alia, that the article shall not be construed to affect any person or manufactuter who who mechanically fits or sells lenses, artificial eyes, limbs or other apparatus or appliances or is engaged in the mechanical examination of eyes etc. Section 174 provides penalty for any person who practices or advertises to practice medicine without lawful registration or in violation of any provision of the article.

2 It is for the Department concerned to consider whether the definition and other provisions given in the American statute should be incorporated in the

Bombay Medical Practitioners Act, 1938, or not. It appears that even if these provisions are adopted it will not be possible to have an effective check on the sellers of drugs as merely by selling such drugs the person cannot be said to give any treatment on the spot.

Id./..... 10/4

Additional Secretary to Government.

U.R. to L.S.G.& P.H.D., No. 5375, dated the 10th April 1952.

SMR 2-7-56
4 Copies.

Legal Department.

A revised draft notification is sent herewith.

2 It would be necessary to specify in the proposed notification the examination relating to the qualification that is conferred upon its students by the Gurukul University, Kangri. The L.S.G.& P.H.D. may, therefore, ascertain the same and specify it in the notification before it is issued.

Id./..... 197

Additional Deputy Secretary to Governmen

U.R. to L.S.G.& P.H.D., No. 10963, dated the 2nd July 1952.

SMR 2-7-1956
4 Copies.

NOTIFICATION.

Local Self Government and
Public Health Department,

Bombay Castle, 1952.

No. :- Where as it appears to the Government of Bombay on the report and recommendation of the Faculty of Ayurvedic and Unani Tibbi Systems of Medicine, Bombay, that the course of study and examinations prescribed by the Gurukul University, Kangri, conferring a diploma in ayurved for an examination not entered in the Schedule to the Bombay Medical Practitioners' Act, 1938(Bom. XXVI of 1938), are such as to secure the possession by persons obtaining such diploma of the requisite knowledge and skill for the efficient practice of their profession;

Now, therefore, in exercise of the powers conferred by section 22A of the said Act, the Government of Bombay is pleased to direct that the possession of such diploma shall, subject to the provisions of the said Act, entitle a person to be registered under Part II of the said Act, and to include after entry (11) in the Schedule to the said Act, from and after the 1952, the following entry, namely:-

"(12)(Here enter the examination relating to the diploma given by the Gurukul University)

By order of the Governor of Bombay,

Secretary to Government.

SMR 2-7-56, 4 Copies.